SUPPLEMENT TO

The Standard

For Transmission — Buenos Ayres, Monday, November 12, 1866. — per French Mail.

THE STORM.

Our city and port have been visited by one of the most fearful storms experienced in the present century, and which we regret to say is attended with much loss of life and property. In 1835 there was a great storm, in which no fewer than 43 vessels were washed ashore. On August 30, 1860, we had a terrific gale, which lasted two days, causing immense destruction in port. The present storm has not been, perhaps, so dreadful as the last mentioned, although the tide is said to have reached the same height, and until full particulars be learned from the suburbs and country districts it is difficult to estimate the amount of damage caused on the 28th and 29th ult. Unhappily we have to anticipate tremendous losses on the sheep-farms, as the shearing season is at its height, and most of the flocks shorn last week will partially or wholly perish: in the storm of 1860 some estancieros lost so many as 4,000 sheep in a single night.

The present storm was in some manner foretold ten days before by a wonderful mirage visible at Colonia, the spires and turrets of Buenos Ayres appearing high in the clouds at sunset, as well as the masts of the vessels in port. Since then the weather was very threatening: the heat on Saturday morning was something extraordinary, a blinding dust-storm ensued till the afternoon, the sky was shut out by dense clouds that foreboded strange weather, and at 2 p.m. the gale began, the river rose alarmingly, and the packet had to postpone her departure.

At 4 o'clock the glass fell rapidly. A boat had put off for the packet with some ladies and gentlemen who safely got alongside and were pulled on board with a rope tied round their waists. About sundown the beach was covered with small birds seeking shelter in the houses, another indication of the coming storm.

Before sunrise on Sunday morning it began to rain in torrents, which has lasted up to the hour we write (5 p.m. Monday evening) almost without a moment's intermission, being probably the heaviest fall of rain remembered by the present generation. At the same time the wind blew a fearful gale, sometimes in violent gusts, again with all the fury of a hurricane, and the injury to life and property is announced in sad reports coming in every moment from various quarters.

On Sunday night the streets were become rivers, and at 9 o'clock all the gas in the city was suddenly extinguished. The river had broken into the Gas-house, swept down the fortified wall with its solid buttresses and put out the fires: it was most fortunate that an explosion did not take place. A hundred yards of the inner wall facing the Retiro was tumbled, and the water swept madly over the side near the battery. The sudden darkness in the city lent new horrors to the night: people had to grope their way through the streets, and those in carriages, returning home, ran imminent risk. The theatres were luckily closed owing to the weather: otherwise a scene of alarm and robbery would certainly have occurred. In a coffee-house near the *Pueblo* printing-office a man was stabbed mortally, and numerous robberies were committed. In some houses people put candles in the windows, but it only made the darkness more palpable to the passers-by.

The casualties in port are numerous, but many vessels sought safety in time on Sunday morning by making for the Tigre: 20 whaleboats were sunk or washed ashore, including 4 of Mr. George Kean's; 2 schooners were washed up on the Boca Railway, another is among the trees near Torres's quinta, and another at Palermo.

At 5 o'clock on Monday morning the Commercial Rooms in the Calle Mayo were crowded with people; the morning was clear, and the telescopes revealed the sad story of a vessel foundered in the outer roads, nothing but the rail visible, and probably all hands perished. The French ship Bossuet lost her bowsprit, and a dismasted vessel was driven close to the mole. At the Capitania 5 corpses were brought in, 3 males and 2 females: among these were said to be the sergeant of the gas-house battery and his wife, an ostler belonging to one of the 'caballerizas,' and the captain of a Hanoverian brig and his wife. An English gentleman who had started early on a visit to the long line of beach assured us that he counted 12 corpses.

At 7 o'clock the tide, which had been rising from 8 o'clock the previous evening, began to subside. The scene on the beach baffled description: the river had knocked down some of the rails and pillars, and made a clean sweep over the Paseo Julio and Cazon's trees; the tramway bridge was washed away and the adjacent house almost submerged, while the lower parts of the streets debouching on the beach were inundated.

At 8 o'clock numbers of English were going the rounds, and tales of fresh disasters were in everyone's mouth. Capt. Curlewis was on the mole, but could not attempt to go off to the packet: he had made 3 unsuccessful efforts on Sunday. The Evelyn (now Oriental) and a vessel in the inner roads hoisted flags of distress, but no human aid could be given them. Another vessel was rumored to have gone down with all hands in the outer roads, and the body of the captain, which was washed ashore, presented a shocking spectacle. Two more corpses were picked up close to the Custom-house, and another at the foot of Calle Cordova: the last had a pair of plaid pantaloons with blue over-all, and the flesh was washed off the feet and arms. Some of the telegraph-posts were knocked down and the wires all broken: the fragments of the tramway bridge, pieces of broken spars, &c. were floating about; the beach was impassable beyond Calle Temple, and the houses near the Gas-house were flooded.

At 9 o'clock the weather abated somewhat. In the hotels, at breakfast, people compared notes about the ravages of the storm and the crimes committed on Sunday night by the city-burglars, who availed themselves of the sudden extinguishing of the gas to break into shops and houses. The accounts from the Boca and Tigre were terrible, and lead us to fear a great loss of life. A broker who went out to Las Conchas on Sunday morning found the whole country inundated: on Milberg's property even the tops of the trees were covered. Mr. Matti, who went out to send off a steamer, saw numbers of boats and canoes rescuing the inhabitants of Tigre and the Islands, and putting them on board the large vessels which were enabled to enter the canals, so high was the tide (In another column we publish a full account favored us by the Northern Railway.)

The crowd on the beach increased as the rumor spread that one of George Kean's boat's was about to put off in aid of the Evelyn: it was said the agent of the steamer offered $30,000 to send a pilot aboard, but others said the crew wanted to come ashore as one of the steamer's compartments was full of water and she was in danger of foundering at any moment. It was a daring thing to face the tremendous tide that rolled in white breakers towards the shore and broke over the parapet of the Paseo Julio; but Kean's men resolved to try it.

At 9.50, six hardy fellows lowered their whale-boat, without sails, and with a pilot steering. Hundreds of anxious and admiring spectators looked with bated breath and silent awe on the departure of the heroic boat of relief, on which were centred the hopes of the crew of the Evelyn, as they were seen leaning over the taffrail of the steamer. The Evelyn was a thousand yards from the mole-head. With vigorous and even pull the boat's crew launched her out on the perilous sea: every wave seemed ready to engulph her; she sank and as quickly breasted the surge again, and in this way toiled slowly but steadily on. In half-an-hour she had made half-way, but the sea was still wilder, and as she disappeared at intervals we feared she had gone down, until she again rose to view. As she neared the Evelyn the men on board crowded aft, and we could see them standing with ropes to throw to the boat, for this was the most perilous part of the enterprise. The boat seemed to gain nothing at every pull of the oars, and the waves rolled mountains high. At last she got safely under the Evelyn's stern, and the signal of distress was hauled down. The boat and her seven men remained tossing about, held by a rope to the steamer: we do not know whether it was resolved to abandon the Evelyn or not, but as a delay ensued we came away.

The mole suffered somewhat; the end is slightly twisted, two planks are wrenched up in in the middle, and some pieces knocked out near the Casillas. All along the beach great ravages are reported. No fewer than 37 whaleboats are wrecked off the end of Calle Tucuman. A family was drowned near the Gas-house: the Palermo road is strewn with boats, spars and 'debris', which have been washed over the railway, casting some fragments into the quintas of Messrs. Estrada, Torres etc. The barque Sylphide which was so long a wreck in front of Mr. Simpson's house was smashed up into a thousand pieces on Sunday night; and the weighty machinery and wreck of the Oriental embedded in the sand at the gas-house were carried like a straw before the storm and deposited near the Recoleta, where they will be high and dry at low-water. The fury of the storm could not be exaggerated.

The destruction about the south-end of the city is greater than on any former occasion. The Boca Railway and Mr. Billinghurst's brick-yard have almost disappeared, and the turret in course of erection on San Telmo Church was blown down. Details of the awful scene at the Boca and Barracas will be found in next column.

About noon we had a visit in our office from Mr. Watson of Belgrano, who had just arrived safe and sound with 2 English merchants in his dog-cart. The journey was not without its incidents, and they came up with the omnibus which had started in the morning for the city but could not effect a passage, and the passengers, mostly English merchants, had to return to Belgrano. In one place Mr. Watson and his companions had to get down and shove a boat aside to leave the road free. The river covered the railway from the Recoleta to the Pobre Diablo, and several small craft were ashore. The lowlands about Belgrano were flooded, and only the tops of the ranchos visible: the corpse of an old man was picked up, and some children are missing. All the poor people have lost their poultry, and it is a fact that a flock of geese turned up yesterday morning near the gas-house, coming no one knows whence. The gun carriages, ram-rods, &c., of the gas house battery were washed into Torres' quinta, the guns thrown among the trees, the bastions washed away, and the sergeant drowned. It will be remembered that this was for a long time a most unlucky battery (5 guns), invariably killing or wounding a man whenever a salute was fired.

During the lull on Monday morning three or four whaleboats, some under sail, put off to relieve the vessels that had flags of distress.

At 1 p.m. the weather again got worse. The rain again came down in torrents, and the floods outside town must be unparallelled. We have seen a police-report and received fifty various accounts of the damage done, and the episodes of the storm, which are too extensive for our space; but any further items of importance that reach us before going to press will appear in another column.

The Northern and Boca railways will necessarily be suspended for a time, but the greatest inconvenience is the stoppage of gas Four robberies occurred in Calle Potosi on Sunday night; the American Consulate was also broken into, but Mr. Helper succeeded in seizing the burglar just as he was tying up a bundle of booty.

At 4 p.m. it was estimated that as many as 30 corpses were picked up.

SCENE AT THE BOCA.

The storm has been peculiarly severe and the damage unexampled; in the Boca district, early on Sunday morning, the rains during the night had flooded the streets and rendered them almost impassable, and much apprehension was entertained that as the wind was Nor' East, and the Riachuelo high up to its banks, a flood would ensue; but up to o'clock on Sunday night no damage of any kind had occurred. At 8 o'clock, however, the alarming news spread through the dense population of the Boca that the river was rising, and immense efforts were made at once to leave; but although it was possible to wade through the surrounding 'potreros,' it was such an unpleasant affair, that, with the exception of a few migratory Italians, people remained in their houses. The river kept rapidly rising, and at midnight the waves of the River Plate made a clean breach over the mole and inundated the town; as most of the houses in the Boca are built on stakes, and with an upper story, although in the streets there was at least ten feet of water, the families were secure aloft, and the whole population remained on guard during the night, not a soul having the courage to go to bed. Shortly before 5 o'clock the waters began to subside somewhat, owing to the wind having calmed down a little. Our readers can form an idea of the flood when they learn that the river burst down Calle Admiral Brown, sweeping by Waterloo quinta, and rushed up to the Calle Larga, which it flooded in front of Sr. Vignal's house, the residence of Mr. Perry.

All the fields or potreros extending from the Boca to Barracas were covered, and the mad waves, as they dashed through the Miguens quintas, tossed the spray high over the cypress and paradise trees into the calle Larga. On Monday morning the scene of watery desolation that met the eye baffles all description. During the night it was rumored that several poor families living in mud ranchos in the portreros had perished, and as the waters were now so high that even the tallest horse could not find footing along the road, universal efforts were made to get together launches, canoes, boats, etc. Immense floats were kept plying all day on Monday from the Yellow House to the Boca, taking off the affrighted women and children: standing on the heights in front of Mr. Zimmerman's house we witnessed the afflicting sight. The Boca Railway, with its admirable culverts, etc, could not be in any part distinguished; the goods depot at the Boca junction seemed like a rock in the surrounding waste of waters. In front of Mr. Krabbe's house the water must have been at least from six to seven feet, but as the house is two-story we entertained no fears for this gentleman or his family. Doubling round Lezama's quinta could only be effected in a boat, as the surf beat violently against the hill. From the summit of Calle Defensa the turret at Lezama's looked like a lighthouse standing out in bold relief. All along the beach from this point to the Custom House is one scene of desolation and woe. Colton's renowned brickyard is wrecked completely; the walls are all washed away, but as the zinc roof of the galpones is made fast to strong posts it still remains; Mr. Colton and family are safe, but his cook was buried under the kitchen wall. As for the railway in this part, there is nothing at all left. At Mr. Hunt's house there was four feet of water in the parlor, and the small houses in the locality were all vacated during the night.

At Mr. Fair's quinta the scene was grand, and crowds gathered at the corner of Calle Cochabamba to witness a sight never before seen by the present generation in Buenos Ayres. We can compare the raging surf which beat below the quinta to the waves in stormy weather which lash the Kingstown Jetty, just outside of Dublin. For fully a mile off from this point the surging billow could be noticed approaching, every stretch gaining in force and magnitude, until at last it broke on the weeping willows of Cazon Park, and wasted their fury on what was once a railway. To recount all the tales of woe we overheard in the crowd, whilst contemplating the scene at this point, would fill every column of to-day's *Standard*. A large wooden house, which during the last twenty-five years had survived every storm, has at last succumbed, and as for the inhabitants, no one knows what has become of them. Ship-boats, small craft of every dimension, were tossing about, and the bows of a small steamer could be seen peering into the breakfast-parlour at the yellow house. The new turret which was being constructed at the San Telmo Church, and was fast lifting its head over the surrounding house-tops, came down with a crash on Sunday night. The whole 'bajo' or street hereabouts is crowded with floating pipes, casks, &c. Close to the Calle Venezuela railway station were several waggons, laden with merchandise: the waves beat long and furiously around these coaches. At last the elements triumphed, and the waggons were capsized and knocked about just like empty boxes. At the Custom-house the waves made a clean sweep, and the water entered the deposits at the foot of Calle Belgrano, and within one hundred yards of our office. The roar of the waves was something terrific, and could be heard distinctly all day in our editorial chamber.

REPORT FROM THE GAS-HOUSE.

Mr. Edward O'Dwyer sends the following graphic account of what passed before his eyes: we may remind our readers that it is not long since Mr. O'Dwyer and his wife, at the imminent risk of their lives, once before saved the gas-house from great danger.

Gas-house, Monday, 6 a.m.,
Oct. 29, 1866.

To the President of the Gas Co.

Sir,

I have the honor to inform you that on yesterday, about 7 p.m., I perceived the tide was rising so high as to cause me serious apprehensions for the establishment under my charge. At half-past eight the waves knocked down the circumvallation wall on the south side, and at once the whole place was flooded about three feet deep. I saw at once the imminent danger that threatened the Gasometer and works, and while I directed the men to open the retorts, I ran and closed all the valves: the water rushed in by the outlet, into Gasometer No. 4, and came out by the central purifying valve, thus completely obstructing the passage of the gas.

In spite of the damage so caused, we were very fortunate, for the violence of the gale and the immense body of water, which came up to our hips, broke an opening in the north side of the wall, which let the water out. But for this, I cannot say what must have been the consequence, for the water only wanted an inch to reach the retorts.

In the midst of such impending danger, I am happy to say the workmen did their duty, fulfilling my orders, and declaring they would not leave their posts as long as I remained to direct them. Only one man abandoned his post, a fireman named John, who went away in the moment of extremest danger.

On consulting with the engineer, Mr. O'Farrell, we have arrived at the opinion that it is idle at present to attempt to do anything till the water subsides, and then I think that one day's work would suffice to clear the pipes and supply the city with gas. All the staff of the establishment is ready to commence operations as soon as the weather permit. I have taken care not to allow the retorts to get cool, keeping the necessary fires in the furnaces. I calculate about 150,000 cubic feet of gas * in the gasometers: about 180 feet of the circumferent wall is knocked down; not much coal has been lost, and that same of a poor quality.

In conclusion I have to say that I fulfilled the orders you sent me through the Inspector, and still await your further commands.

Q. B. S. M.
EDMUND O'DWYER,
Gas-house, at noon.

P.S.—The river is now falling.
E. O'D.

* ED. NOTE.—The word "lost" seems omitted.

COLLISION and LOSS of TWO FRENCH VESSELS.

GALLANT CONDUCT of an AUSTRIAN BARQUE.

At an early hour Tuesday morning crowds of anxious enquirers gathered around the survivors of the two French vessels lost on Sunday night, who came ashore to give the details of their terrible adventure and miraculous delivery: they received a cordial welcome on the Beach, and some English sailors presented them with articles of clothing, for they had lost everything. From the statement they made at Mr. Lowry's store we are enabled to give our readers a full account. While we lament the loss of life attending so fatal a disaster, it is cheering to record one of the noblest acts of heroism that for some time have come under our notice, and thanks to which the lives of 22 poor fellows were rescued from inevitable destruction.

One of the survivors of the Maria Eliza has just entered our office, and gives the following statement.—

"About half past 6 on Sunday evening the gale was rising and we were anchored about 600 yards lower down than the Napoleon III. The latter began to drag her anchors and drifted past us about half a ship's length: we thought we were quite safe, but her anchors got entangled in ours, and in a few minutes we also dragged our anchors and both vessels drifted. The Napoleon was driven back by the tide and came foul of us, knocking our stern quite away, and after two more shocks the bowsprit and foremast of the Napoleon gave way and fell over. We had sustained such injuries in our starboard stern that we thought our vessel would soon founder, and got ready our long-boat and small boat: the tackle of the long-boat broke and she was carried away with 2 men in her, who were, however at once picked up by ropes from the Napoleon. We then thought the sea too heavy for our small boat, and jumped aboard the Napoleon, which seemed stronger than our own vessel.

"It was now 10 o'clock and quite dark, with heavy rain and heavy sea. The Napoleon bumped several times against the Eliza amidships, but the latter was so low that her bulwarks at the rise of every wave struck the Napoleon below the water line and speedily made a hole in her: the Napoleon soon filled with water and went down, about 10.30. The crews of both vessels (including carpenters) numbered 40 men, and of these 20 were drowned when the Napoleon foundered. The mate, boatswain and one seaman of the Eliza had got into a boat, without oars, which drifted alongside a ship, and were fortunately picked up. There were 17 of us clinging to the masts and rigging, even after the masts fell on the sea, as they did just after the vessel went down. Some of us were on the main-mast, of those who were on the mizen some contrived to climb to the main-mast; the rest all perished. The darkness was so great that we could neither see nor be seen, but in any case the sea was so wild that no human power could help us

"It rained all night, and every wave washed over us, but we all held on to the spars and rigging till daylight. At times one of us would be under water, but a comrade lent him a hand to prevent him from sinking. We could see the masts and light of the Eliza about 15 yards from us, but at the first glimmer of day, 4 a.m., she went down, then heeled over and her keel remained out of water.

"About an hour before sunrise on Monday morning we made signs to the neighboring vessels to come and take us off. I sat on the end of the mast and waved a white handkerchief: the men of an Italian barque, 120 yards distant, saw us but feared to make any effort to save us. They leaned over the side, looking at us. Another Italian vessel about 300 yards from us also saw us, but did not try to lower a boat. The Austrian barque Amphitrite was over 500 yards from us, but a man on the fore-deck saw us and raised his arm as a signal to us, then went aft and brought up another man (the mate) who got on the fore-castle and raised both his arms to signify he would come to help us. At the same time we saw the sailors of the Amphitrite bustling about, getting tackle and lowering a boat. The sea was very high.

"At 6 o'clock the boat left the Amphitrite with six men and a life-buoy; the mate remained aboard with the line which was attached to the boat to give the men a chance if the boat should capsize. The boat breasted the seas safely and in ten minutes reached us: she took seven of us in the first trip, and nine in the second, landing us safely aboard the Amphitrite. A boy had been left on the wreck, as the boat could not get near, when taking us off, without danger of being smashed. The boat made a third trip and rescued the boy.

"As soon as we got aboard the Amphitrite we were treated with great kindness: they gave us wine and brandy to restore us, then supplied us with dry clothing, after which we had a good breakfast. At 6 o'clock in the evening the Nitheroby, Brazilian frigate, sent a boat and took us on board, the commander shewing us every kindness, giving us new clothing and comfortable beds, and sending us ashore this morning, when we learned that the mate, boatswain and seaman of the Eliza had also just landed.

"We cannot express in words our gratitude to the mate and crew of the Amphitrite to whom under Heaven we are indebted for our lives. May God reward them for their noble conduct."

The Napoleon III., Captain Ottoviani, was a barque of 495 tons register, and loading by Messrs. Sagory and Lemmyeux for Marseilles. The Maria Eliza was a French ship of 700 tons, also loading in port. The Amphitrite, Captain Chiavelli, is an Austrian barque of 500 tons, and arrived here on the 5th instant from Trieste.

There is a general wish, to which we gladly give echo, to present the mate and seamen of the Amphitrite with a suitable testimonial for their generous bravery, in saving 22 fellow-men from a watery grave, at the imminent risk of their own lives. Such acts of heroism and philantropy should not pass unnoticed. We know, indeed, that no reward can be of much weight in a case like the present: the men who risked their lives were fully compensated in saving those they went to rescue, and sought no other reward than the joy that springs from so noble an action crowned with success.

But, for the honor of Buenos Ayres and the credit of humanity, we should show our appreciation of such magnanimous intrepidity. The Roman Senate voted a civic crown to any one that saved the life of a citizen: the mate and crew of the Amphitrite are entitled to still more signal honors.

THE AUSTRIAN MATE.

To the Editors of the *Standard*.

Gentlemen.

Having read in your paper this morning the very excellent description of the noble behaviour of the Austrian mate and his men in rescuing from a watery grave so many fellow beings, I, as Dutch Consul, and in the name of the Dutch captains in this port, wish to say that I am anxious to subscribe to any testimonial which you so properly suggest for the brave fellows, who acted so nobly their part.

I am, Gentlemen,
J. J. M. LIESTE

Oct. 31, 1866.

IMPORTANT LAW SUIT

Confiscation of English property.

THE ARGENTINE GOVERNMENT

v.

STEWART.

PLEA OF THE STATE-FISCAL

B. Ayres, May 29th, 1866.

Señor Sectional Judge:

The Attorney General, in giving his opinion of the examination made in reference to a cargo of produce from Paraguay, consigned to Mr. George Stewart, and come to this port during the war, explains before Your Worship: that, attending to the following considerations, Your Worship ought to consider the cargo confiscable as property of the enemy, and in virtue of the right of war.

It is known that the first effect of the state of war is the prohibition of commercial intercourse between the two belligerent States, that all commercial relations are cut off, and that the exchange of their products is incompatible with the necessity of destroying each other reciprocally. "No principle," says Chitty, "is more clearly established, than that all commercial relations ought to cease immediately that war breaks out between two nations." It is difficult to understand how, in presence of this rule of international right, Mr. George Stewart has pretended to introduce into this place a cargo of Paraguayan produce brought directly in a complete state of war: this is an operation of unlawful commerce which justifies the confiscation of the cargo. It is understood that the Paraguayan Government, to whom the commercial prohibition is so prejudicial seeing that it cannot export its produce, has permitted him to bring the cargo; but the Argentine Government cannot permit him, because it would favor the enemy directly, facilitating him with the means of creating resources for the war in the sale of articles whose commerce constitutes his principal riches.

But there is still more. This operation not only nullifies the commercial interdiction, but renders eminently hostile the ownership of the cargo—no matter whether it belongs to Mr. George Stewart or to the Paraguayan Government, and it is in consequence subject to the right of confiscation *jure belli*.

It has been wished to conceal the hostile character of the property under the name of Mr. George Stewart, who, being a British subject, pretends to stamp it with the character of neutral property. But this pretension cannot be sustained: 1st, because it is not proved that the cargo belongs to Stewart, and 2nd, because, though it should really belong to him, the special nature of the transaction, and the residence of Stewart in Paraguay would give him the character of an enemy.

As the only proof that the cargo belongs to him, Stewart has given the Bills of Lading as shewing it, but the Bills of Lading do not amount to conclusive proof, because they prove just as well that he is the consignee as that he is the owner; and against that proof stands the presumption that the Paraguayan Government, which alone can sell the produce of that country for exportation, urged by the necessities of the war, and being unable to realize its stock of goods in consequence of the commercial prohibition and the blockade, may have sent its cargo under the name of Stewart, thinking to protect it under the nationality of that individual, and giving him a part in recompense—a presumption which acquires greater force from the fact of Stewart having stoutly declined to declare from whom he bought the produce.

But supposing he really bought it, it could be from no other than the Paraguayan Government, which monopolizes the export trade; and then, (attending to the rule of international right which establishes that those branches of commerce, which are permitted to the subjects of the country only, although they may be engaged in by foreigners, always preserve their national character) the cargo should be considered hostile. Sir William Scott, in the case of the Vigilancia, says: "it is a doctrine founded on strong principles of right and expedience, that there is a traffic which stamps with a national character the individual who is engaged in it, independent of the character which the mere residence can give him." Chitty defines the rule in this manner: "One may stamp himself with a hostile character in the following manner: occupying himself in those branches of commerce usually limited to the subjects of the hostile belligerent. The rule on this point may be deduced from the case of the Princesa."

In the present case a traffic is treated of, but under conditions worse than those in the English Commentator, because in the case to which he refers it was a commerce permitted only to Spanish subjects at first, though afterwards to the subjects of all nations; and in the present case we have a traffic which is not even permitted to Paraguayan citizens, but which has been reserved by the Government of that country for itself. If, then, in the case first cited, the English tribunals have decided that the peculiarity of the traffic gives a hostile character to the property, that rule is with more reason applicable to the case which occupies us.

But this is not the only reason which makes the possession of the cargo hostile, for one of the principal causes which makes it so is the residence, personal or commercial, in hostile territory. Stewart finds himself in this case; and though he be a British subject he should, for the operations of commerce which he has made in Paraguay, be considered a Paraguayan. In fact, before the war, he went to that Republic, where he remained some time, and where, as he himself declares, he transacted some commercial operations. It ought to be supposed that he has there some commercial house or establishment, or some agent at least, who takes care of his business. This is sufficient to constitute residence in the estimation of the rule just cited, but to this is to be added that he has resided in that country, and, as Bello assures, "It is not necessary either to have an establishment or house of business to constitute personal residence. In the case of the 'Jorge Klassina' it was alleged that there was no residence because the party had no house of business in the country; but the Tribunal declared that this circumstance was not decisive, and it was sufficient that the merchant had resided and had commercial transactions in hostile territory for him to be considered an enemy in everything relating to such transactions."

Finally, this act, which has a decisive importance in the question, should be taken into consideration. The export trade of the articles which compose the cargo detained being monopolised by the Government they cannot have been bought from other than the Government, therefore, if they do not actually belong to the hostile Government they have belonged to it before they were sold to Stewart. But as the buyer could not sell them in Paraguay they were necessarily sold for exportation, and as the Government could not export them itself it availed itself of a British subject for that purpose. This is one of the most common operations made in time of war for the purpose of defrauding the rights of belligerents, and international right condemns them as null and fraudulent.

The English Commentator before cited says in regard to this: "In many cases a belligerent who finds it impossible to protect his property under his own flag transfers it fraudulently to a neutral; this is either nominally or without reserving for himself its solid advantages, or actually for a certain time, on the condition that the neutral will return it to him at the celebration of peace. All these colorable transfers are considered illegal, and the circumstances are as various as may be expected from the genius of men who have interest in the business."

In virtue of the considerations given, your Worship ought to decide in this case that the cargo detained is confiscable by the Custom-house, which has given rise to the present process.

(Signed) S. T. ZAVALIA.

Mr. STEWART'S DEFENCE.

Buenos Ayres, June —th, 1866.

Señor Sectional Judge.

1. I, George D. Stewart, in the process verbal promoted on the detention of sundry cargoes of yerba, my property, availing myself of the reference conferred on me by your Worship, pray, that the Court may be pleased to decide this case, ordering the delivery to me of the cargoes unjustly detained, declaring that no legal reason for their detention has existed, and reserving my right to claim against the Administrator of the National Revenues, or against whom it may concern, for an indemnification for all the personal damages and prejudices which I have experienced in consequence of the embargo, the raising of which I solicit.

2. There are, Señor Judge, different modes of furthering the property of the State, one of the principal is administering justice and making effective the tutelary principle of life, property, and the rights of man, and that is the noble mission of the magistrate. The order, the liberty, and the credit of the nation depend on the fulfilment and application of its benevolent laws; and the aspirations and intentions of the Argentine people, consecrated in the fundamental charter of their political existence, would be frustrated if it were lawful unjustly to deprive those who inhabit their soil, of their property, or of their individual liberty. "Property is inviolable, and no inhabitant of the Argentine nation can be deprived of it, except in virtue of a sentence founded in law." Such is the constitutional prescription (art. 17), and nevertheless I have been for eight months prevented from disposing of my property, which amounts to a sum of much importance; I have for the last eight months experienced damages and prejudices of the greatest magnitude, as I will opportunely prove; and the cause, the origin of this unconstitutional position, of this legal violence, is solely a public rumor, which the Administrator of the National Revenues declares to have reached his ears (see note 1st p.)

But what, Señor Judge, is public rumor? It is much less than what is denominated public report, (fama publica); which is no legal base for proceedings that disturb individual rights. The latter (public report) is attributed to the expression of part of the population; and rumor, to a part smaller and unknown, derives its origin from certain persons: rumor is vague, and of obscure origin. These, and other essential differences, which may be seen in Escriche, or any writer on the subject (tratadista') demonstrate that public rumor cannot be the base for proceedings of any class: unhappy the society where it is sufficient to disturb the exercise of the sacred rights of property. This supposition cannot be accepted without the decline of the constitutional credit and order of a nation.

Nevertheless, Señor, this has happened in my case, and when I hoped that the Attorney-General (Procurador Fiscal) the representative of the community and of the law, would rise in my defence to protest against the errors of which I have been the victim, I find to my surprise that he comes forward to support them, demanding the confiscation of my property.

The Attorney-General (Fiscal), in this unjustifiable eagerness, has not been able to take one clear and consistent position, and has preferred to place himself in two, equally weak and indefensible. He does not affirm that the yerba belongs to the Government of Paraguay; he does not concede that it is mine, but he maintains that whether it belongs to me or to the other, it ought to be confiscated. And to support this astounding proposition he goes back two hundred years, and, as I will demonstrate, places himself in conflict with the eternal principles of humanity, with the rights of man which govern modern communities, and with the public treaties and recent acts of the Government of his country.

II.

"The first effect of the state of war," says the Fiscal, "is a commercial interdiction between the two belligerent peoples: all commercial relations between them are severed."

It is certainly very rarely that commercial relations are preserved between the inhabitants of two nations, who have taken arms to decide their controversies. But, as the belligerents can give more or less extension to the exercise of their rights, as they judge compatible with their security, and with the success of the cause which they are defending, there is nothing to impede their allowing the course of harmless commerce to continue, if they believe that interdicting it will not improve their condition in the struggle. For this reason Governments on making the declaration of, or calls to war, take care to notify to their subjects, and to neutrals, the limits to which they are subject in consequence of the state of war.

The author whom the Attorney-General has called to his support, does not in any way establish that, from the fact of war breaking out between two States, commerce necessarily ceases. The words of Chitty, which he quotes, do not express this; they indicate that it ought to cease, but this is understood, if the belligerents so wish. If this does not happen, if they make no declaration respecting it; if they implicitly permit, as in this case, the entry of vessels coming from the enemy's ports, it is clear that the legitimate pending operations of commerce may be carried on, until an official notification determines the contrary.

The immutable laws of humanity and of justice are not obliterated by the blood shed in the war; they prescribe that the belligerents limit themselves to doing the enemy the damage necessary to oblige him to enter the path of reason, and to make amends for the violence which he has committed. It is not, true, then that the first necessity of belligerent peoples is reciprocal destruction, as the Attorney-General affirms. War gives no right to cause damage to neutrals, nor to the citizens of the enemy's country, so long as they do not take up arms, and do not assume individually the character of enemies. To destroy each other, by every means, was characteristic of the struggles of ancient times when the object was reduction or conquest; but to-day, when Governments combat solely for interests more noble; for honor, for independence, or for national security, they do not endeavor uselessly to destroy the cosmopolitanism of commerce, which forms the noble symbol of the age. For this reason one of the first jurisconsults of the age, Mr. Massé, has said, "war gives no authority to disturb the peaceful and commercial relations without connexion with the state of war, which, introducing enmity between two or more States, has not introduced it between the individuals who compose them."

This is the healthy doctrine in which the Attorney-General does not participate. Happily the Argentine Government, the only judge of the limitations placed on commerce by the present state of war, has understood it in quite another way. The Attorney-General has not made himself master of their decisions, and in this it was indispensable for him to do so in order to proceed with effect. The Argentine Government, far from believing that all cargoes coming from Paraguay were liable to confiscation, has ordered the delivery of those which came with the yerba, my property; and of this I should to-day be allowed to dispose, as appears from the report of the Administrator of the Revenue p. 1st vlta.—if I would give a guarantee to prove that it does not belong to the Government of Paraguay; this I have not effected for want of connexions in this country, in which I am a stranger. Consequently, to the unauthorized proposition, that all cargoes leaving Paraguay after the declaration of war are liable to confiscation, whoever be the owner, I oppose not only the principles of the rights of nations, which further on I will cite; not only the immutable principles of justice which I have invoked, and the interest of the common wealth; but also the practical intelligence, and the official declarations and decrees of the Argentine Government permitting the entry, the despatch, and the delivery of the cargoes which arrived at the same time with mine, and in the same vessels.

III.

After the proposition which I have repelled, the Attorney General resolutely maintains, that the ownership of the cargo is eminently hostile, whether it belongs to me or to the Paraguayan Government, and that it is consequently subject to confiscation, *jure belli*."

I protest, Señor Judge, that I do not comprehend the logic which compares and confounds me, a British subject, a merchant, and a neutral in the present war, with the belligerent Government of Paraguay. Whatever apprehensions may have been caused by public rumor—the only origin of this case—they cannot justify these words inconsiderately pronounced; because modern civilization does not allow the property of the collective body, called the Nation, to be placed on the same footing as that of the members, or private individuals who compose it. Of the former, the contra-belligerent may certainly take possession; but the latter ought to be respected unless it is wished to give to the war a cruel character, which the spirit of the age energetically opposes. This doctrine, sustained by Ortolan, Hautefeuille, and all modern writers, excludes the equality which the Fiscal encounters, between the property of the Paraguayan Government and that of Paraguayan citizens; and much more that of the foreigners in that State. "If the state of war"—says the previously cited French jurisconsult (Massé) "does not authorise the belligerent to treat as enemies the citizens of the hostile nations, with less reason does it authorise them to treat as enemies the citizens of non-belligerent or neutral nations." (tit. 1 ° P. 127).

Bearing in mind this fundamental distinction, I think it necessary to ask what signifies, in this case, "property eminently hostile?" Would the cargoes of articles, destined precisely to supply the imperious necessities of the population, be by chance considered aggressive, by the Argentine Republic? If by the word 'hostile' the Fiscal wishes to signify, as I suppose, property eminently unfriendly, I maintain that my property is not so; that it is evidently neutral; and this it will not be difficult to demonstrate.

IV.

It is notorious that the Government of Great Britain,—of which I am a subject,—is neutral in the war between the Argentine Republic and Paraguay, and also that the citizens of a nation participate in its condition unless by acts of their own they are deprived of that character.

The Attorney General has not accused me of violating the obligations imposed on me as an Englishman, by the neutrality of my Government; and consequently if he recognizes my character of neutral, my property participates of the same, and is property eminently neutral for the Argentine Government, much more now that it is in its territory, under the protection of its flag, and its laws. On this there is no room for doubt.

What, then, are the acts or circumstances which deprive my property of the character of neutral?

I see with suprise that the Attorney General maintains that the yerba is enemy's property from its having been bought in Paraguayan territory, to be sold in Argentine territory; thus asserting that the act of going to Paraguay, to buy it, involves an infraction of the obligations imposed by the war. But of such a profound error—an error so opposed to the policy of his own Government—he will free himself if he consults the first author that he finds on his table. And as he has on various occasions invoked the opinions of Sr. Bello on this question, I, in my turn, will remind him that the American authority does not regard commerce with the belligerents as an infraction of neutrality: in cap. 70, p. 3, he expresses himself in the following terms (page 198)—"From what has been said, we deduce, that if a sovereign, who, before the war, was accustomed to lend (money) at interest to my enemy, continues to do so during the war, and refuses to treat with me on equal terms, because I do not inspire him with the same confidence, he does not infringe the neutrality. Neither would his subjects infringe the neutrality doing this business in time of war, although they were not in the habit of doing it in time of peace; whether treating with both the belligerents, or with one of them, as they may consider most convenient to their mercantile interests."

Discoursing thus, Sr. Bello only confirms the universal principle. "The most rigorous neutrality," says Hubner, "does not prevent our maintaining a more extensive commerce with one belligerent than with the other, if our own business requires it, or if we have more confidence in one belligerent than in the other."

"If the treaties," says Bynskerspock, "are not opposed to it, I am permitted to do business with your enemy; and if this be legal, I can also make all sorts of contracts with him—buy, sell, or hire."

"It may be established as an absolute principle," these are the words of Hautefeuille, "that hostilities supervening between two nations can have no influence upon the liberty of commerce and navigation of neutrals. This commerce ought to be respected by those who have arms in their hands; it may be extended to objects which did not form part of anterior transactions, or to territories to which it did not extend before the war. The only obligations, the only conditions to be observed are, first, abstention from taking any part in the hostilities, and secondly, the most scrupulous impartiality."

Ortolan, in his treatise on the Diplomacy of the Sea, also establishes the liberty of neutrals to trade with the belligerents. But I should be making a vain parade of erudition were I to proceed further naming the authorities who uniformly establish this doctrine, which has been confirmed by the Argentine Government in its treaties wit. American and European powers. (Art. 13, Treaty with Sardinia, 21st Sept., 1855; Art. 12, Treaty with Prussia and the States of the Zollverein; Art. 10, Treaty with Brasil, 7th March, 1856; Art. 12, Treaty with the United States, 27th July, 1863; Art. 18, Treaty with Portugal; Art. 21, Treaty with Chile.)

Respecting, then, these fundamental principles of right, and these international stipulations, the Government has permitted Argentines and foreigners to import into this market and sell Paraguayan produce, shipped after hostilities had broken out, which demonstrates that, contrary to the opinion maintained by the Attorney General, the Government has not seen in these commercial transactions, the slightest violation of the obligations imposed by the war. The Argentine Government might have refused the entry of these cargoes into her ports; but, to confiscate them after having permitted their entry, solely from the fact of their having come from Paraguay—this is a pretension which could not for a moment be entertained in their illustrious councils.

V.

The Attorney-General, prejudiced against me, invokes another principle, inconsequential and inapplicable. "The yerba," he says, "is liable to confiscation, because, by a rule of international right, those branches of commerce which are confined to subjects of the country, although they be undertaken by foreigners, always preserve their national character."

This rule refers to very different cases: to maritime or coasting branches of commerce; to fisheries and other similar traffic which the State at war only concedes in time of peace to natives. It is evident that in this case neutrals cannot occupy themselves in this traffic ordinarily prohibited; because the essential base of neutrality is the prosecution, during war, of those branches of commerce or traffic only which are open to neutrals in time of peace.

The invocation of this rule in the present case is surprising. Buying yerba in Paraguay, and exporting it, has never been a branch of commerce exclusively confined to the citizens of that country, and the law which so disposes might have been cited. The natives of that country are precisely those who do not embark in that commerce—Argentines and foreigners are those only who buy and export yerba—and the rule invoked by the Attorney-General is openly opposed to his pretensions, and the result is the anomaly that he attempts to impress the seal of Paraguayan nationality on a branch of commerce which is not prohibited to foreigners and which is never carried on by Paraguayans.

VI.

The Attorney-General is not more happy in another rule which he invokes. He maintains that I reside in Paraguay, and that with regard to the commerce which I have transacted with that country I should be considered a Paraguayan. In all this he is notably mistaken. I have no domicile or residence in Paraguay; I have been a simple sojourner in that State, to which I went for the purpose of realising a round speculation ('negocio redondo'), such as are of frequent occurrence in commerce. He proceeds then capriciously to suppose me owner of houses or establishments of commerce (in Paraguay): I have none; and although he may form whatever suspicions he pleases, privately, he cannot make them fixed points of departure for a demand for confiscation, which ought to be supported by facts, evident and answerable.

Nevertheless, laying aside all these gratuitous fancies, I will suppose that such an assimilation could be made, of an English subject to the citizens of Paraguay; would my property, even in this hypothesis, be liable to confiscation in Argentine territory? I am surprised that the Attorney-General should so maintain; because if he had effaced from his memory (which is not possible) the high principles of the rights of men; if he had effaced the memory of the international engagements of the Argentine Republic, he cannot have forgotten a recent and decisive incident in a case in which he has had a very active intervention. Sr. Egusquiza, a Paraguayan by birth, commissioner or agent of the Government of his country, has property of great importance in this Province, and to no one has it occured, much less to the Government of the Nation, that this property could be confiscated. It has fortunately never entered the minds of the Argentine people or Government, to place the war on the cruel footing of times now passed, a return of which is firmly opposed by our present civilization, by the great commercial interests of the world, and by the solemn stipulations that bind all civilized nations. If a practical demonstration be required, I will cite the decree of 16th May 1865.

VII.

The Attorney General makes a reference to Sr. Bello, respecting the mode of constituting the residence which stamps property with a hostile character. It is a pity that he did not turn over the leaf, for he would then have found that his quotation is counteracted, as the effect of such residence does not reach the point at which he has arrived.

"But although a belligerent," says Sr. Bello, "may legitimately regard as an enemy, every one who resides, or has landed property, or commercial establishments in hostile territory, notwithstanding that in other respects he be really a neutral or a citizen: he can only be considered as an enemy, with relation to the capture of property, to which the residence, establishment, or landed property, in hostile territory, is subject."

Thus even admitting the doctrine of the Attorney General; even admitting that I had a residence in Paraguay, which I have not; it would always result, that my property could be reputed an enemy's, solely in hostile territory. And, can the capital of the nation over which it presides be so considered by the Argentine Government?

"Foreigners residing, but not naturalized in the enemy's country," says Bello, "are regarded as neutrals with respect to the articles of commerce and chattels which they possess; unless they have voluntarily taken part in the military operations of the enemy, or aided him with arms, ships, or money."

VIII.

Sr. Bello, consulted by the Attorney General, establishes that the hostile character is acquired,

1stly. By having landed property in the enemy's territory. But as I have none it is useless to occupy myself with this point.

2ndly. By having a commercial domicile, that is, a commercial house or establishment, which I do not possess either.

3dly. By personal domicile, which is not my case.

4thly. By navigating under the enemy's flag.

The Attorney General does not permit himself to affirm that there are in my case any of these essential circumstances; and consequently the character of hostile, which he assigns to me, believing that he can thus support his very advanced views, is quite gratuitous.

But, in order to dispel the error under which the Attorney General labours, I ought to repeat, that even in the cases proposed by Sr. Bello, the domicile in enemy's territory, only gives to the belligerent, rights over property situated in the enemy's country, or upon the dependencies of the house of commerce established there; but never upon isolated property which he finds in his own territory. Thus it is, that even conceding all the hypotheses of the fiscal; even allowing that his doctrine has the magic power of converting an Englishman into a Paraguayan, he cannot confiscate the unoffending property which I have brought to this country and placed under the guarantee of its laws. This cannot be done, even with the native citizens of the enemy's country.

Article 11 of the treaty celebrated with my Government Feb. 2nd 1825 establishes, that even in case of war with Great Britain, the subjects of each of the two contracting parties, resident in the dominions of the other, shall have the privilege of remaining and continuing their traffic in them without any interruption, so long as they conduct themselves with tranquility, and do not break the laws in any way; and their effects and properties, whether confided to private individuals or to the State, shall not be subject to embargo or sequestration, nor to any other exaction, &c.

This same stipulation is contained in Art. 22nd. of the treaty with Chile; in Art. 12 of the treaty with the U. States; in Art. 13 of the treaty with Sardinia; and in Art. 9 of the treaty with the Republic of Paraguay itself. So that even conceding to the Attorney General the hypothesis, that my transit through Paraguay had assimilated me to the native citizens of that country, my property could never be confiscated; because such an act is opposed to the universal principles of right which I have just mentioned, and the solemn compacts or stipulations of the Republic.

The personal domicile which stamps a hostile character on commerce, and on which the Attorney General insists, depends on the intention to remain permanently (permanecer); and if such intention has not existed, al-

though a long residence has taken place, this does not constitute a domicile, as Bello himself recognizes. For this, Sir W. Scott, so often mentioned by the Attorney General;—has said, "the principal ingredient is the time."

"If a man," he adds, "goes to the territory of a belligerent at the beginning of, or before the war, it would certainly not be reasonable to attribute to him a new character, unless some time had previously transpired."

I then, who went to Paraguay before the war broke out,—a few days before;—who arrived there, as I have said, with the intention of realizing a round speculation; who have never had manufactories, landed property, house of business, nor intention to remain in Paraguay, have not lost my perfectly neutral character, and in this, my property participates, here as in all places.

IX.

To close the discussion of this point, I will say Sr. Judge, that modern right does not allow of the appropriation, even of the property of enemy's subjects, situated in the enemy's country.

"War," says Ortolan, "is a violent struggle between two collective bodies, during which each is authorized to appropriate by force, the property and rights of the enemy. But the property and rights of individuals are different to those of the collective body (cuerpo), and ought to be respected:" he adds, "to disturb in their rights and properties, the non-combatant citizens of an enemy's conquered country, and they ought to be protected as much as possible from the calamities of war."

Lastly, Señor Judge, the Attorney General has not provided for the difference which exists between hostilities on land and on sea. I will permit myself to remind him of the special chap. which Sr. Bello dedicates to this matter, and in which we read the following words:

"The practice of civilized nations has introduced a notable difference between the hostilities on land and those at sea relative to the right of capture. The object of a war is to weaken or destroy the enemy's commerce and navigation, as the foundations of his naval power. The seizure or destruction of private property is considered necessary to obtain this end. But in war on land, the property of private individuals is treated with much less rigour."

These considerations,—on which I do not enlarge as I believe them conclusive,—prove that the Yerba is not liable to confiscation under any aspect, much less for the reasons alleged by the Attorney General, whose legal instability I have demonstrated.

I now pass on to consider the second point of view in which he has considered this question.

X.

Finding himself weak in the position just discussed, the Attorney General passes on to another ground in which he will not remain with advantage. He pretends that the Yerba belongs to the Government of Paraguay, and says, "they wished to conceal the hostile character of this property under the name of Dn. Jorge Stewart, who being a British subject attempts to stamp it with the character of neutral property. But this pretension cannot be sustained, because it is not proved that this cargo belongs to Stewart."

This legal logic is really incomprehensible! What antecedents, what proofs has the Attorney General for affirming that the Yerba is not mine, and that it was wished to place it under my name? Such transcendent asseverations before the tribunals ought to be accompanied by some demonstration.

The embargo took place,—according to the Administrator of National Revenues (f. 1.),—"because public rumour set down the goods arrived to Mr. George Stewart as belonging to the Government of Paraguay." But the Attorney General knows, much better than I, the insignificance of what is called 'public rumor,' a point on which I have touched rapidly at the commencement of this petition thus:— "Nothing is more vague nor more arbitrary,"—says Bonier,—than a proof in which public opinion is consulted on such a point, without verifying this dangerous testimony by a direct proof." "Private error," says another celebrated writer,—"first causes public error; and public error, in its turn, causes private error."

It is admitted by the Administrator, under his own hand, that the embargo was not originated by act, accusation, or information against me; that it was caused solely by a public rumor; and this, having no legal sense or significance, could not authorize even a simple examination, prejudicial to my rights; because rumours, which arise generally from obscure, or unknown sources, cannot be heard in the Courts of Justice,

The Attorney General nevertheless (f. 2.) called for an enquiry, to prove that the Yerba belonged to the Government of Paraguay,—that is to say, to give legal form to the unknown rumor. Your Worship delegated the Administrator to direct the enquiry, and he proceeded to raise it with all the eagerness fitting, especially to the functionary who had taken on himself the responsibility of the embargo. The Administrator called on all the individuals arrived from Paraguay, and resident in this city to make declarations. The time could not have been more seasonable for all to depose against the Government of Paraguay; and I, Sir, was ignorant of the proceedings which were being thus taken.

Notwithstanding all this, what has been the result of the enquiry, promoted at a time so unfavorable for me? The silence of the Attorney-General, who, in his argument, does not dedicate a single word to this subject, speaks very clearly. From that enquiry absolutely nothing has resulted against me; from that enquiry all has resulted in my favor. The deponents were asked if they knew, or had heard, that this yerba belonged to the Government of Paraguay; and they replied "No."

D. Juan B. Parodi, f. 8 vta.; D. Juan Asereto, D. Estevan Risso, Messrs. Matti & Co., and Mr. William Thompson, said "that they did not know, and had not heard."

D. Francisco Cerruti, f. 10 vta., stated "That Mr. Stewart had bought the yerba from the Paraguayan Government, giving in payment bills payable in this capital or in London; and that he had also heard that Mr. Stewart had paid something on account of the value, a brother of Mr. Stewart's who resides in Asuncion becoming guarantee for the balance."

D. Luis Brangui, f. 11, stated "That he had only heard that the yerba had been bought by a brother of Mr. Stewart, a doctor in medicine, who resided in Asuncion; but that he (Brangui) had arranged for the freight, &c., with Mr. George Stewart."

All the witnesses arrived from Paraguay have also uniformly declared that I contracted for the freight and shipped the yerba; that is to say, that I performed all the acts of true and sole owner.

Your Worship will see that the result of the evidence could not be more conclusive, notwithstanding that the questions asked went further than the law allows. The witnesses were not asked only what they knew of their own proper knowledge; they were even asked what they had heard said. Such has been the anxiety to implicate this property! But these witnesses, called by the Administrator himself, have uniformly answered that they have heard nothing; and it then remains demonstrated that the public rumor by which it is attempted to excuse the violence which I have suffered, has had no existence. I thank those who have thus put in evidence the arbitrariness of which I have been the subject.

XI.

If such be the result of the evidence, on what does the Attorney-General found his persistence that the yerba belongs to the Government of Paraguay? He rests only on his isolated judgment, on a simple individual suspicion, which suggested the embargo to the Administrator of the Revenue. But he cannot claim the confiscation of property on such a slight foundation. Suspicion cannot be a legal cause for proceedings analogous to those which have befallen me; and I will leave it to words more distinguished than mine to repel those of the Attorney-General with all the energy of offended justice and knowledge. Hautefeuille expresses himself thus:—"There is no necessity to discourse at length on this subject; all that I have just said respecting examinations ('pesquizas') applies with more reason to suspicions. Primitive right repels them in the most absolute manner. Suspicions, and the force which it is attempted to give them, are only acts of a jurisdiction the most absolute, the most despotic, which it is possible to imagine. To detain a ship which has proved her nationality and her neutrality, effective and real, to drag her out of her course and submit her to belligerent judges, and all this in virtue of a simple suspicion, is evidently to commit an offence against the liberty and independence of the country to which this ship belongs, it is to violate the obligations of a belligerent, and, in one word, to disown all the prescriptions of primitive right."

XII.

The Attorney-General maintains that the ownership of the yerba cannot be sustained, "because it is not proved that the cargo belongs to me."

This new error would surprise me if I were not prepared again to see all principles forgotten or disregarded, and all the records inverted in this matter. It is now also pretended that I, who for the first time am enabled to see the pages of this process-verbal, and who have been ignorant of what has been done, ought to have produced evidence. But in addition to the material impossibility of my doing so, I will demonstrate, always with the authority of doctrine and law, that the Attorney General is not right on this new point.

The restrictions imposed by the state of war on the fundamental principle of the liberty of commerce, are only exceptions, and are consequently confined or circumscribed to the exact limits fixed by the law which created them.

This important distinction leads to another principle: in every question of prizes, the first presumption is the innocence of the accused, and not his culpability.

This antecedent (antecedente) being established, it is the duty of the Attorney General to produce the proof. He accuses me of a violation of my obligations, and of connivance with the Government of Paraguay; and the proof of this imputation rests with him. All criminal legislation, without exception, in treating of a crime, of a delinquency, or of the most simple contravention of the law; and also civil legislation, in treating of the responsibility of a man, exacts that the party who appears before the tribunal demanding the application of a penalty prove the act the repression of which he solicits. Hautefeuille, sustaining this salutary doctrine, expresses himself in the following terms: "The accused can never be obliged to produce direct proof of his innocence; the only charge imposed on him is to repel the accusation, and to destroy the proofs brought against him (articuladas contra él.) Among modern nations the accuser is a functionary of the judicial order,—he is a magistrate charged with the interests of society, and it rests with him to prove that an act punishable by law has been committed, and that the individual brought before the tribunal is really the culprit. It is of little consequence that this magistrate, making use of the power conferred on him by the law, has caused the detention of the accused before judgment,—he who is the accuser is charged with the proof, and as yet there is nothing more than a prevention or accusation—no culpability." This principle, which is also confirmed in our legislation, is evidently logical. The proof is the affirmation of the existence of an act, and there can be no affirmation of a negative. The negative proof, or defence, is made by repelling the proof positive, and destroying the allegations of the accusation—it is an indirect proof, which cannot precede the other, but must follow it. This is what takes place before the criminal tribunals. The direct proof cannot be demanded of the accused, except with respect to the facts alleged for his defence.

Accepting these principles, which I hope will not to be impugned by the jurisconsult acting for the Attorney General, it results that I have not been, nor am I, obliged to produce any proof.

Nevertheless, it is not correct, Mr. Judge, that I have not presented proof of my ownership. I have presented a conclusive proof, according to the legislation of this country; and if anything were wanting, the Administrator-of Revenues has completed it with the information collected. I have possession of the yerba, and possession is equivalent to a title (la posesion vale un titulo.) This is not my doctrine, but that of the first illustrations of legal science—"In movable property possession is equivalent to title" (la posesion vale el titulo.) French Code, 2279, Massé tit. 1-6, p. 497.

I have the Bill of Lading, and this is another document which proves the ownership. The National Code of Commerce establishes this, in accordance with the doctrine universally received. Article 1,210 gives to the Bill of Lading, the force of a public deed: Article 1,19 accords it entire faith between the two parties interested; and the concording articles of the chapter tend to consecrate in the Bill of Lading, the unimpeachable title of the property shipped.

The Attorney General opposes to this, that the Bill of Lading does not prove ownership because it may also be sent to the consignee. He compromises himself perceptibly. The consignee in that case is the representative of the owner: he is, it may be said, himself the owner of the goods, and as such may dispose of them. The Bill of Lading is then a true title, which the owner himself, or the person representing him, acts upon.

XIII.

I believe I have now confuted all the arguments brought forward; a word more and I will conclude. The Attorney General has mentioned, that when I was asked, from whom I had bought the Yerba, I replied that I did not consider myself obliged to answer. It is true that I did not recognise the right to ask me that question; because I remembered that an eminent writer has said,—speaking of that class of questions, and classifying them in a manner which I do not wish to repeat,—"that a Judge has so little authority to ask them, that the subject of an independent power is not obliged to answer." Schoell, History of Treaties, vol. 4. Cap. 31.

In virtue of these considerations,

I beg Your Worship will be pleased to decide this case in the manner which I have solicited at the commencement.

It is Justice.

(Signed) BERNARDO DE IRIGOYEN.

(Signed) JORJE D. STEWART.

SENTENCE OF THE DISTRICT FEDERAL JUDGE.

Buenos Ayres, Oct. 27, 1866.

In this suit, brought by the Fiscal-Attorney against Mr. George Stewart, touching the legality of seizure of a cargo of yerba, it appears—

That a few days before the breaking out of the war between the Argentine Republic and Paraguay, Mr. George Stewart, a British subject, and a merchant resident and domiciled in B. Ayres, left this city for the Republic of Paraguay; that arrived thereat, he freighted, after war was declared, the vessels Voladora, Aquila Oriental, Nueva Carmelita, and Virginia, and loaded thereupon one thousand four hundred and two packages of Paraguayan yerba for this destination: that upon the arrival of the vessels abovementioned, they were detained, and the Fiscal Attorney, in the name of the National Government, did request said cargo to be declared liable to seizure.

In presence of the fiscal charge, as likewise of the defence presented by Mr. George Stewart, upon examination of the evidence adduced, the showing of the latter, and

Whereas one of the effects of the state of war between two nations, is that all their property, be it houses or effects, and whether the latter be moveable or immoveable, shall be reputed by the co-belligerent, *res nullius*, liable to legitimate seizure, be they on his own territory or on that of the enemy. This principle finds its strict application in the case of property belonging to the hostile state, as acknowledged on the part of Stewart; therefore, whatever transfer of this property be made, during the war or because of it, must be held null and void by the co-belligerents. Yerba is an article monopolised by the Paraguayan Government, and its exclusive property, it being the sole vendor of said article, as is notorious; and as it furthermore appears, from the declarations of the masters of the vessels, dealers, &c., accepted on the part of Stewart, and reproduced by him as part of the evidence, that no private individual has a deposit of yerba in Paraguay, and all that is exported comes out of the stores of the Government, the only party able to sell for such a purpose, as likewise is notorious, and is shown by the declarations abovementioned: therefore it follows that the yerba Stewart exported in said vessels, he could not have got but from the Paraguayan Government, which is corroborated by the declarations of the masters aforesaid; by the fact of Stewart having gone to treat for the carriage of the yerba in a steamer anchored in Asuncion, which could not belong to any one but the Government; and by his pertinacious denial to declare whom he had got the yerba from, when questioned at folio 5; which facts constitute *evidentia rei*, in matters in which, as in this, the object is to conceal the illegal traffic in things of the enemy. This proof cannot be impaired by the commercial books presented by said Mr. George Stewart, in which his brother, Dr. Stewart, a resident of Asuncion, figures as vendor of the yerba, 1st, because the books have not been kept in accordance with the Code of Commerce, for they have not been signed by the Notary of the Tribunal of Commerce; 2nd, because this is not a case in which our laws admit the books of a trader as a reliable proof; 3rd, because Dr. Stewart does not exercise in Asuncion any commercial business, but the medical profession; 4th, because no private individual can sell yerba in Paraguay otherwise than by retail; and 5th, because the entries in the books of Mr. George Stewart, which represent him as indebted to his brother, Dr. Stewart, for the yerba, can find a reasonable explanation in the fact that Dr. Stewart guaranteed and became responsible to the Paraguayan Government for its payment, Mr. George Stewart not being known there. Even had Dr. Stewart sold the yerba to his brother, Mr. George, the purchase by the first must have immediately preceded the sale effected by him to the second, since no private individual can have a deposit of yerba in Asuncion for the purpose of selling it wholesale; and should the yerba have been bought of the Government of Paraguay by Dr. Stewart, or by Mr. George, the purchase was made after the breaking out of the war between the Argentine Republic and Paraguay, or at least at a time when such was imminent, for in the action for the recovery of arms it is shown that Mr. George Stewart left Buenos Ayres for Paraguay shortly before the breaking out of the war, and could therefore not have negotiated the purchase of the yerba in legitimate time of peace; the bills of lading show that the carriage was treated for in June, 1865, that is, three months after the declaration of war, which shews that the purchase could not have taken place much before that time, since the yerba he purchased was for export, and the masters of the vessels who were at Asuncion, much before that time, declare that no private individual, and therefore not even Dr. Stewart had a deposit of yerba for wholesale and exportation:—Therefore the sale of yerba effected by the Government of Paraguay in time of war or in expectation thereof cannot and must not be held as valid since it was effected by a co-belligerent of the Argentine Republic, which must consider this yerba as belonging to the Government of Paraguay; and therefore liable to legitimate seizure on its territory, where it arrived during the war.

Whereas: Even in the supposition of the transfer or sale of the yerba being legitimate, that is, effected by the Government of Paraguay before all expectation of war, it is another principle of international law and held to be incontrovertible that on war breaking out between two nations all commercial relations must cease immediately between them. Chittey, Practical treaties on the law of nations, chap. 1; Wattel Bk. 3. chap. 4; Bello, Derecho internacional, part 2. chap. 1. 2; Kent Comment, part 1. chap. 3: In order that commercial relations should cease, no special interdiction is necessary, the simple state of war being sufficient, and even the simple expectation thereof, as ruled by Judge Sir William Scott in the case of the 'Neptune' and in that of the 'John Frederick', cited by Chittey, and in the case of the 'Boeder Lust' cited by Bello in the 1 chapter of Bk. 2: The import of this prohibition is that all merchandize constituting the commerce with the enemy is subject from the moment of its leaving the hostile territory to legitimate seizure by the co-belligerent, no transfer made of it to neutrals being able to shield it from said seizure. For the effects of the interdiction alluded to, not only is he held to be an enemy who owes obedience to the belligerent state, and who carries arms or can be compelled to carry them, but also those who do not owe this obedience, but who are held as such from the relation they stand in with the enemy's property which can be seized in accordance with the laws of war, and who for such reason are called of *hostile character*. This character so understood can be acquired in various ways. One of them is when the merchandize is a product of the soil of the enemy's country, which is held to be the property of the enemy; because the product of the soil or the earth is one of the most powerful sources of national riches; consequently, whoever be its owner, and wherever be his residence, and whatever his occupation, said merchandize must be held as hostile and liable to seizure. Although the property of friends may thus sometimes become involved in this class of seizures, the application of public rules does not admit of private exceptions, for he who expects benefit from things connected with the hostile soil, must resign himself to suffer the losses their character exposes him to. This is the rule followed by the Courts of Admiralty of England, and said rule is established by Chitty in his work above mentioned, page 33, deducing it from the conclusions of Judge Sir William Scott in the cases of the "Ann Catherine" and of the "Phoenix." The article purchased by Mr. George Stewart in Paraguay is a product of its soil and one of the most powerful agents of the wealth of said country. Therefore whatever be the character, residence, and occupation of Mr. George Stewart, the product aforesaid cannot be held otherwise than of hostile character, and in consequence thereof legitimately seizable on Argentine territory, where it was sent to.

Whereas—Another of the modes in which the hostile character is acquired by the person, whoever he be, in relation with the commercial transactions he may effect, is his establishment in the country of one of the belligerents, either by means of personal residence or of having in it a house of business or an agency. This character can be acquired by the subject of a neutral nation, who resides or has a house of business or an agency on the enemy's territory, in relation with his commercial transactions with the subject of the co-belligerent, or with the neutral who resides or has a house of business or an agency in the country of the co-belligerent aforesaid; as also by this latter one in relation to the commercial transactions with the other or with a subject of the enemy. The first case is illustrated by the question of the vessel "President" (which left the Cape of Good Hope, when it was in possession of the Dutch who were at that time at war with England), claimed by Mr. J. Elmslie, as an American citizen, he being a native of England established at the Cape and employed there a American Consul: in this case Judge Scott said that the claimant must be held, as regards his trade, a subject of the enemy; to the second belongs the case of the Indian Chief likewise judged by the English Courts, in which Judge Scott said that no other principle was admitted than the one that a person who establishes himself in a country, and trades and resides therein, must be considered as a trader of that country, in accordance with the laws of nations; a principle likewise recognized in the case of Messrs. Connell & Hector, and in the one of Luneville *v.* Phillips, and admitted with all impartiality; for a subject of a belligerent nation, resident in a neutral country and trading with the enemy, as regards his residence, is considered a neutral. In the case of the Indian Chief a cargo appertaining to Mr. Millar, American Consul resident in Calcutta, and which was taken trading with the enemy, was considered the property of a British merchant engaged in illicit traffic. It is proved in the pleading that Mr. George Stewart, although a subject of a neutral power, does not reside on a neutral territory, but in the Argentine Republic, and therefore must be considered an Argentine merchant. Dr. Stewart, from the mere fact of being a resident of Paraguay, must likewise be considered a Paraguayan merchant in his mercantile transactions: therefore, the purchase of the yerba, supposing it to have been made by Mr. George Stewart from his brother, Dr. Stewart, is a transaction performed by an Argentine merchant and a Paraguayan merchant during the war betwen the Argentine and Paraguayan nations, or in the expectation of said war, therefore their trade has been illicit and infractory of the international principle quoted, and therefore the cargo imported by Mr. George Stewart has been subject to legitimate seizure.

Whereas, this declaration is not destroyed by the statement of Stewart, that according to the Constitution property is inviolable; this principle refers to property legitimately acquired, and not to property the acquisition of which cannot be recognized as legal, owing to the state of war during which the transaction was effected in virtue of which Stewart pretends to have acquired it. Whereas, the want of a special edict from the Argentine Government, prohibiting the prosecution of commercial transactions between the two belligerent nations, can likewise not be invoked, for commercial interdiction is natural to the state of war, and does not require special edicts, such being on the contrary required for the carrying on of said transactions, without its being possible to deduce such proclamation from the fact of the Government allowing the vessels Aquila, Oriental, Virgina, &c., to enter this port, and from not having caused the seizure of the remainder of the articles come from Paraguay to the consignment of other Argentine merchants, because with respect to the first the Government could not know whether said vessels carried articles exported from Paraguay, but after their entering the ports of the country; and as regards the second, because the Government, entrusted with the prosecution of the war, has the right of suspending or removing in part the effects of this law, allowing where and when it deems it proper commercial intercourse with the hostile state; and it is discretionary with it to have certain articles seized, and not cause the seizure of others; and, above all, because the national tribunals, commissioned to decide on questions of Admiralty, cannot proceed *ex officio;* and in this instance, they have only been petitioned to order the seizure of the yerba imported by Stewart, the tribunals ignoring what the Government intends doing with the remainder of the goods imported from Paraguay.

The principle of international law adduced by Stewart, that war does not empower a nation to injure neutrals, nor the citizens of the hostile country, whilst they do not take arms, and do not individually assume the character of enemies, does not apply to this case, for this principle is relative to persons, and not to things; and commercial operations, which if they were not absolutely political (consistent with the policy), would make war more frequent and enduring from the revenue they would supply to the enemy; and the principle that neutrals do not infringe the laws of neutrality when trading with one of the belligerents, and that therefore their commercial transactions with them are not amenable to condemnation is also without weight, for Stewart, in his operation with the Government of Paraguay, or with a resident of Paraguay, cannot be considered as a neutral, since, as has been demonstrated, his residence on the territory of the Argentine Republic gives him the character of an Argentine. There is likewise no foundation to the defence set up that the treaties cited allow, in the event of war, the subjects of both states residing in the hostile country to continue trading, as long as they do so discreetly; for this has reference to trade with neutral countries, not to that with the hostile country, in which case the interdiction would still exist, for the import of said interdiction is not to assist the enemy, by increasing his means of carrying on the war.

Whereas, finally, the case of Stewart with respect to the yerba, the seizure of which is requested, is much less severe than that of the Indian Chief, and that nevertheless in that case the courts of England, of which Stewart is a subject, did declare that legitimate the seizure of the cargo belonging to Mr. Millar, American consul resident in Calcutta, trading with the enemy, holding him to be a British merchant exercising an illicit traffic; for Calcutta might not be considered a residence for the English belligerents, since the imperial prerogatives of Bengal belonged to the Great Mogul, and the King of England had no right of sovereignty in the British possessions of the East Indies, and therefore the character of a British merchant could not necessarily be attributed to the neutral residing in said possessions: nevertheless, it was observed that the commerce of the Europeans who traded under the protection of the factories which the European nations have in the East, take the national character of the mercantile community under whose protection they transact their business, and not the one on whose territory the factory exists.

In the present case, Mr. George Stewart is undoubtedly a resident of the Republic, and must be considered an Argentine as regards the mercantile transactions of his house here, and therefore cannot trade through said house with the enemy. To this case is applicable what Judge Scott said with respect to Mr. Millar in the case quoted above of the Indian Chief—

"It is considered a hard matter that Mr. Millar should be comprised with British subjects as regards their inability to trade with the enemy, his not being comprised with them with respect to the advantages and privileges inherent to the character; but I cannot admit the question being presented in this form, because the arms and laws of Great Britain protect his person and trade, and though he be subject to certain limitations that do not affect British citizens, it is necessary he should receive the benefits of said protection with all the incumbent duties and burdens, one of which is not to trade with the enemy."

On the grounds aforesaid. I sentence liable to seizure the cargo of yerba claimed by Mr. George Stewart.

(Signed) ALEX. HEREDIA.

THE STORM.

FURTHER PARTICULARS.

DAMAGE ON THE NORTHERN RAILWAY.

On Saturday night the river began to rise rapidly, and by Sunday morning the tramway traffic was stopped between the 25 de Mayo station and the Retiro. It was also feared that the trains would have to be suspended for the day, the 11 o'clock train to Belgrano being actually stopped, and also the last trains to and from the Tigre.

The 6:20 train from Belgrano succeeded with difficulty in reaching the Retiro, it being feared at one time that the bank opposite the Recoleta, which was covered with water to a considerable depth, might give way.

The Tigre station was entirely isolated, and terra-firma could only be reached from it by means of boats even as early as Sunday morning.

On Sunday evening a heavy sea was breaking over the line almost the whole distance from Palermo to the Retiro, the carriage-way from the Recoleta in being entirely inundated, in many places to the depth of six and seven feet.

To gain the Retiro station from the Barranca last night, the writer, with several others, had to struggle with the River Plate up to the waist, there being a strong current flowing along the road towards Palermo.

Between the 25 de Mayo station and the Retiro this morning the bridge over which the tramway passes is no longer to be seen; wrecks of vessels, masts, spars, etc., having almost filled up the gap formed by its destruction.

More than one-third of the permanent way from the Retiro to the Recoleta is damaged to such an extent that it will have to be reconstructed, heavy masts, timber, boats, etc., being deposited on the rails and in t e Palermo -road. Considerable damage has been done along the line in other places, the details of which are as yet unknown.

On Sunday evening the horses had water up to their middle, when they were removed with great difficulty from the stables, where they would inevitably have been drowned, as the stalls were shortly after destroyed, as also several other outhouses and offices.

Much other valuable property would have been destroyed and damaged but for the indefatigable exertions of Mr. Horrocks, who was at the Retiro station until a late hour on Sunday night making fast rolling stock, which had commenced running before wind and tide, and securing much other portable and damageable property.

I am sorry to say, the dead body of of an old man who lived in the stables, and also of an old woman, were found this morning on the line outside the Retiro station. The sergeant in charge of the fort is also missing.

The fort has its guns dismounted, the parapet demolished, and is in fact completely dismantled.

The Gas Works were flooded to the depth of several feet and the fires had to be drawn for fear of an explosion. The wall on the river side was knocked down and much damage done.

AN EYEWITNESS.

BARRACAS AND THE BOCA.

On Monday morning at 11 o'clock a Barraquero friend started for the Tres Esquinas, Barracas; on arriving at the bridge he found the river washing clean over it; at the corralon of Salvador Mendez there was fully 3 feet of water, and part of the timber and planks of this wealthy Basque had floated into the Barraca del Puente; the water covered the patios and wanted about a foot to enter the galpones. Sr. Vignal, the owner of this barraca, is amusing himself in Paris, little thinking his property here was so close to total destruction; in the street between Sr. Ferreyra's and Sr. Vignal's barracas, the water was so high that the horses had to swim across. The waves washed into Sr. Ferreyra's barraca by the 'porton' looking towards the Southern Railway, and escaped by the 'porton' facing the Calle de Brown; the office of this barraca was like a little island cut off from the rest of the establishment; the galpones stood about a foot and a half over the waters, and the hides, &c. there of course suffered nothing. At the barraca of Sr. Reinol, the water only entered a little beyond the gate, but in the Santa Rosa storm of 1860, the water entered at least 10 yards higher, and it is the opinion of the barraqueros down there that the flood in 1860 was much higher. Brown and Fudicker's barraca was not inundated, the water having stopped outside the gate: these four barracas are situated on the highest ground in all Barracas. Next to Brown's and Fudicker's comes the barraca of Ducos y Kayle; the river entered here and got into the new galpon which had just been finished at such expense, but caused no damage. At the barraca and washing establishment of Sr. Kelsey, the river also entered and covered the patio. At the barraca of Mohr and Clausen the waves also made a forcible entry, and covering the patio gained the galpones where the water caused some light damage to some bales of wool waiting shipment. Soler's barraca, which is next, was also inundated, and owing to the great activity of the Mayordomo the produce was saved in time. At 11 o'clock on Sunday night this gentleman was in the Club at the Tres Esquinas playing billiards, when one of the peones rushed in to say the river was breaking down the gateway. Messrs. Brown, Clausen, Beethoven, and the Mayordomo at once cleared out to see how things stood; hardly had they emerged from this social home of Barraquero bachelors than they found themselves in three feet of water; Browne, whose aquatic experience dates back to the memorable Monadnock expedition, struck out first, and with a heroism worthy of the Admiral his namesake showed the others how to wade across the street; the scene was awful, and it required all the moral courage at their control to face the flood at that obscure hour and gain their barracas, to save the wealth of the camp from the destructive element. Beethoven courageously advised the parties to swim for it. Clausen who had the bye-laws of the Club in his pocket, and the billiard cane in his hand to feel his way, found extreme difficulty in keeping up with the agile Brown and Beethoven; luckily they all arrived in time to find the water just trying to get out. Such a night at the Tres Esquinas, our friend Marshall assures us was never before experienced.

At the 'estaqueadero,' or hide-staking yard of Clark, in front of Marshall's, there was the greatest alarm, and all the peones of the river were called to help, but the waters subsided; there were grave fears at one time that the river would wash in.

At Marshall's, in the very dead of the night, there was a hunt up for anchors, &c., to control the steamers, which are on the stocks in that famed establishment. The gale kept so strong and fierce that shortly after midnight it was feared one of the steamers would be blown into the billiard-room of the club, or on the top of the railway station. Marshall's flag was half mast high in the middle of the night, but the bulwarks of the ship yard resisted the onslaught of the waves.

The railway station has survived the storm, but the station-master was on the alert all night, as in the neighborhood of Montegriffo's it was currently believed the house would be washed down before morning. The railway still exists here, and has suffered nothing.

At the splendid Llavallol, (now Hughes and Co.'s) 'barraca,' the water only reached the 'portones;' but in the middle of the night various rumors were current. It was stated at the club that the active proprietors had come down from town at half-past eleven o'clock, and were busy securing the telegraph posts, and even carrying them into the yard for fear of their being washed away. This, of course, proved incorrect. This establishment happily suffered nothing.

At Ballestero's 'barraca' the tide rushed in, and, we regret to hear, did some damage, but nothing of much importance. Here the destruction of the railway commenced.

At Mr. Bertram's 'barraca' the water also entered and covered the yards, but did not pass the entrance of the 'galpones.' A new 'algibe' was in course of construction, and we believe suffered somewhat; and it was currently rumored at the Tres Esquinas that one of Dn. Pepe's clerks fell into the aperture and got a refreshing bath, in the hurry and flurry of the moment.

At the bone-yard of T. B. Hall, Esq., the 'mayordomo' and family had to pass the night on the top of the 'azotea;' and a rather novel scene ensued, when the waters flooded the establishment, for thousands of immense rats cleared out and proceeded down the Calle de Alzaga, in a long, motley procession, to the great annoyance of the residents at the Tres Esquinas.

The Barraca de Peña was also inundated, but not to any very great extent. The water covered the yard, and, we regret to hear, entered the 'galpones.' Messrs. Temperley and Bunge displayed the most unwonted activity on the occasion; and although the whole country around was one sea, they held firm to their posts, and nothing daunted, had canals made to let the water off. Here there is nothing of the railway visible save the lone station. People can form some idea of the height of the flood hereabouts, when we state that on the top of Balcarce's mole there is a 'goleta,' and on Bertram's a 'patacho.'

The rag-yard adjoining also suffered terribly. The water here, about 7 feet, covered everything, and the whole stock of the concern was washed out; rags, tins, and glasses all swept away; the whole district of Barracas is now covered with this 'basura' On Monday morning very early the clerks of Balcarce seized the boat of the schooner on their mole, and started off to look up the families in the houses cut off by the torrent, and with the boat and 14 carts rendered the most effective aid to the almost drowned out families: the manager of the rag yard and families were thus saved

At the new barraca, which Mr. Ribera is building alongside of Mr. Younger's, the water was 2½ yards high; luckily there was nothing in it, and the present extraordinary flood will be an excellent gauge, for the proper height of the floors of the galpones.

At the barraca of Aguirre, which is the last on the Riachuelo, the water rose to a considerable height, and we regret to think that this flourishing establishment must have suffered some damage.

At the saladero in front of the barraca de Aguirre which is the new saladero of Sr. Cambaceres, the river entered, and we hear caused much damage: the exact amount we have not as yet heard.

From the barraca de Peña, to Lezama's quinta, there is one immense sea in which any of Mr. Hall's steamers might ply with ease. All the ranchos in the Potreros are inundated and the track of the railway is totally invisible. Mr. Coghlan, at break of day, on Monday morning, was seen wandering about in his carriage, looking every where to find where the railway track once was; and some spirited Italians started a double-poled launch on the top of the Boca fields to tow off the affrighted inhabitants. Of the other side of the Riachuelo, as yet, there is nothing known. as on Monday not a single individual could be found with sufficient courage to cross the old tumble-down bridge. Around Messrs. Prange's barraca, at the South Plaza there is a swift flowing stream, and the noise of the waterfall at Rev. Mr. Ford's quinta caused by the dashing of the torrents down the delapidated steps which led up the bank, reminded us of Nature's sweetest music in the Glen of the Downs.

DESTRUCTION AT THE BARRACAS.

Barracas, Oct. 31, 1866.

To Dr. N. Avellaneda, Minister of Government.

The undersigned begs to report the damage caused by the flood of the 28th and 29th inst., in which only the following persons lost their lives:—Juana del Monte, 70, Argentine, and José Maria Gamboa, 35, Argentine, who lived in Lorenzo Torres' field near the river, it being impossible to aid them at that hour of the night.

The neighbors on the left bank were aided in time by the police under Sr. Ferron, who, along with several neighbors, remained from 5 p.m. on Sunday, rescuing the families in carts and on horseback, till the middle of the following day: thanks to their efforts many lives were saved, the water being in several houses five or six feet high. Several Italian gardeners at the Arroyo Maciel were personally rescued by D. Antonio Cambaceres in a boat.

The losses caused by the flood are serious, especially among the saladeros, as follows;—

Cambaceres' saladero: 1,200 qq jerked beef, 1,000 sheepskins, 24 boxes tallow, 16 pipes do., 150 empty boxes, and a quantity of posts and lumber.

Silze's saladero: 1,500 qq jerked beef, 600 sheepskins, 1,000 fanegas salt, 80 empty boxes, 8 wheelbarrows, and a lot of posts and lumber.

Soler's saladero: 150 pine boards, 50 pigs, 15 fanegas salt, 2 wheel-barrows, 200 horn-tips, and some lumber.

Medrano and Panthon's Saladero: 1,200 qq. jerked beef, 340 sheepskins, 20 empty pipes.

Berizo's saladero: 700 qq. jerked beef and 1,000 fanegas salt.

Besides the losses to the saladeristas, we have to regret that the poor workmen had all their huts destroyed, losing even their clothes and furniture. It is however consoling that they escaped with their lives, thanks to the immediate aid rendered them.

I remain,
ENRIQUE O' GORMAN.
Justice of Peace.

OFFICIAL REPORT OF THE RESGUARDO.

Resguardo, B. Ayres
Oct. 30th 1866

To the Inspector.

I have the honor to advise you of the disasters occurred in port during the storm of the 28th and 29th inst. In order to obtain correct information I rode along the whole line of coast at half past 1 this morning.

The Portugese brig Esperanza, anchored in the inner roads, having lost 4 anchors, was obliged to run on the coast of Dr. Costa's quinta at Palermo, at 10 a.m. yesterday, and has now 50 empty casks, without any serious injury in her hull.

The Brazilian brigantine Palma, having also lost 2 anchors in the inner roads, struck at 11 o'clock on Sunday night at Costa's quinta, having on board 5,700 dry cow-hides; no injury done to her hull.

The English brigantine John Butler, also lost her anchors in the inner roads on Sunday, and went ashore near the Recoleta, with 76,000 feet of pine: her hull is not much damaged.

The Brazilian brig Rivero 2° has also come ashore from the inner roads, supposed to have no cargo aboard.

The Spanish barque Merceditas is ashore near Olivos, with 2,400 quintals of jerked beef.

The English barque Urgent with bone-ash, and two other vessels, names unknown, are ashore between Olivos and San Isidro.

In front of the Recoleta and Mr. Hale's quinta there are two boats cast on the line of railway. At the Alamos and a little nearer the Gas-house are 2 boats, both empty, and in good condition.

The Italian poleacre Filomena which was driven ashore in the last storm, near the Gas-house, has been completely knocked to pieces. Close to the Gas-house are two whale-boats, both empty, and serviceable; and near the battery are 3 others in similar condition. In Calle Charcas a whale-boat and a boat have been washed up, not damaged. In Calle Cordoba are 3 ship's-boats, 1 whale-boat and 1 launch from the islands, all empty; also the remains of a wreck that lay near Pacheco's house. At Pacheco's house there is a whale-boat, in good condition. In Calle Temple are 7 boats and 2 whale-boats, not much damaged. Near the old Custom-house is a pilot-boat in very bad condition.

At the foot of Calle Europa are ashore, the schooner Felix empty, and the Adelaida laden with charcoal from Santa Fé. Near Calle Garay is the pilot-boat Felix 2.° laden with firewood, damaged in her prow. At the Yellow House is ashore the pilot-boat Angelito with firewood, in good condition: also several ship's-boats.

In the inner roads we note the following disasters. A whaleboat sunk abreast of the Gas-house, another sunk near Pacheco's house, and 3 others between the end of the beach-wall and the anchorage of the steamboats.

The national schooner Benito, and Austrian schooner Margaretha, each lost an anchor, but suffered no serious damage. Several vessels in the inner roads had to weigh anchor for the Tigre; the names have not yet reached me.

In the outer roads the French ship Napoleon 3 came into collision with the French barque Marie Eliza, and after bumping together for over an hour both went down and were totally lost, and 18 seamen drowned. The Austrian barque Amphitrite saved 22 survivors from both vessels: these men came ashore to-day. The Amphitrite has suffered from coming foul of the wrecks.

On the mole we have had the railing around the 'casilla' knocked down, and timbers torn up near where it touches land, rendering it very dangerous for passengers.

If I get any further details of importance I shall at once communicate them to you.

CARLOS PIZARRO.

LETTER FROM THE BRITISH MINISTER.

THE AUSTRIAN BRIG AMPHITRITE.

Hotel du Louvre, Oct. 31, 1866.

To the Editors of the *Standard*.

Gentlemen,

I cordially concur in the sentiment expressed in this morning's *Standard*, that the noble conduct of the officers and crew of the Austrian barque Amphitrite in saving, at the imminent peril of their own lives, the survivors of two vessels that had foundered in the late storm, should be met by some substantial mark of the appreciation in which it is held by this entire community.

I beg leave to enclose $500 m|c as my contribution to any subscription for the purpose, and a further sum of $200 on behalf of Mrs. Buckley Mathew.

The feeling entertained appears however to be so general, that it occurs to me that it might be well if the gentlemen selected to distribute the sum collected were authorised to extend it to the sufferers by the storm, 'should the amount suffice for that purpose.'

And I must go a step further in suggesting that the present might be a fitting opportunity for the formation of some general *sauvetage* fund, for the relief of sufferers from similar events in a port necessarily exposed to dangers, 'if not for the prevention or diminution of the attendant loss of life.'

I deprecate the action of separate nationalities, and I feel persuaded that a society of the nature I propose would not only be supported by foreigners, but by all the respectable native inhabitants, and by the Government who have merited the gratitude of foreign residents on this hospitable soil, by their constant desire to promote trade and commerce.

The interest of *all* in the prosperity and in the high standing of Buenos Ayres is equal, and a most important and desirable ulterior object would, in my opinion, be attained, if similar societies and undertakings could *unite* the native and the foreign inhabitants of this city and country in social esteem and good-will, and in united efforts for the public good.

I shall be happy to make my contributions annual, should my further suggestions lead to practical results.

I am, Gentlemen,
Your obedient servant,
GEORGE BUCKLEY MATHEW.

THE HEROES OF THE AMPHITRITE.

We are happy to announce that the idea we advocated yesterday of presenting a testimonial to the mate and sailors of the Amphitrite, for their conduct in rescuing 22 men from the wrecks of the Napoleon III. and Marie Eliza, is now being carried out. Some American residents have headed the list with $500 each.

THE HEROES OF THE AMPHITRITE.

B. Ayres, Nov. 1st.

Jacob Paravicini, Esq.,
Consul-General for Austria.

Sir,—Being unable better to manifest my admiration of the conduct of Mr. Santo Lanwich, mate of the Austrian brig Amphitrite, who, at the imminent risk of his own life and of his brave seamen, saved from certain death the survivors of the French barques Napoleon III. and Marie Elise, I beg to send you gratis a box for my benefit (Saturday, 3rd Nov.,) at the Colon Theatre, hoping you will offer it in my name to Mr. Santo Lanwich and his valiant comrades.

On said evening the public of B. Ayres will have an opportunity of giving an ovation to these heroic men of the brig Amphitrite.

Begging you will accept this humble offer of an artist, I have the honor to subscribe myself,

Your most obedient servant,
Gian. Carlo Nerini,
1st basso assoluto of the Colon.
124, calle 25 de Mayo.

MONTEVIDEO.

THE CENTRAL URUGUAY RAILWAY.

Wednesday, Oct. 31st.

The long projected Central Uruguay Railway has at last taken a tangible shape: the bye-laws were duly ratified by Government on the 17th inst., and the Directors have issued a very ably-written prospectus inviting the public to subscribe for this great national enterprise. The capital is £1,400,000 sterling, in £50 shares payable in monthly calls of £1 each. The Government has taken 2,000 shares, and gives a guarantee of 7 per cent., the cost not to exceed £10,000 per mile. The works are to be commenced within 12 months, and the line concluded to Durazno (120 miles) in six years from date. The use of high-roads and public or municipal lands is ceded gratuitously to the company. The directors comprise ten of the leading men in Montevideo, including Messrs. McColl, Jackson, Tomkinson, and Proudfoot.

PROSPECTUS

Directors: Messrs. Daniel Zorilla, Juan Miguel Martinez, Jaime Cibils, Joaquin B. Belgrano, Antonio M. Marquez, Thomas Tomkinson, John D. Jackson, John B. Capurro, John Mc Coll, Pedro Varela, John Proudfoot; manager—Senen M. Rodriguez, resident engineer—George Vald Hansen.

Bankers: The Commercial and Montevidean Banks.

Offices: No. 101 Calle Misiones.

Capital: 6,580,000$ nat. currency, in 28,000 shares of 235$ each, payable as follows—20$ on enrolment, and the remaining 215$ in monthly calls of 5$ till the amount is paid up.

It is to be regretted that while every other nation in the world can boast one or more railroads, the rich and flourishing Republic of Uruguay has not yet one of these powerful elements of civilization and progress. To carry out so great a work we have formed a Directory and Joint-stock Co. The concession under which we are going to undertake the works is very advantageous:

1st. The construction of a line to Durazno, the Government guaranteeing 7 per cent. interest on a cost not exceeding £10,000 per mile.

2nd. The line to be concluded in 6 years, which will render the payment of calls easy to the share-holders.

3rd. The Government guarantee to become effective according as the various sections are opened to traffic.

4th. All materials to be imported duty-free during the 40 years of the concession.

5th. The Government not to have any interference in the tariff until the line produce over 16 per cent per annum.

6th. All persons employed in the building or traffic of the line to be exempt from military service, thus preventing any interruption to the line in case of civil war.

The establishment of a railway is a national undertaking. The Government, the Municipal Juntas, the merchant, the estanciero, the capitalist and the artisan, all alike are bound to give it their protection, and we count on their support.

The capitalist and house owner, because with increased trade and population the investment of capital will be attended with fresh advantages, and rents will rise in proportion.

The merchant, because it will improve commercial relations, facilitating communication with consumers, and bringing a rapid increase of settlers.

The estanciero, because it will give his produce a more ready and easy access to the markets, and permit him to turn his camps to more lucrative pursuits than rearing cattle.

In view of the progress made this year in cereals, Montevidean flour competing in some foreign markets with North-American (nothstanding our rude method of agriculture and the difficulty of bad roads), who can doubt that railways will give a splendid impulse to this rising industry? The zone of arable lands already extends several leagues inland. The railway will place each point of stoppage in more immediate contact with Montevideo than our suburbs are at present. It may be therefore supposed that agriculture will extend along both sides of the line and take in a vast area, bringing a necessary increase of population and an enhanced value to the lands both far and near.

The railway will thus become the great coloniser of the country: a natural and powerful stimulus to immigration, which will flow in *en masse* at that most cogent of all inducements, self-interest. The difficulties that beset new-comers in all other young countries will here be found smoothed down, the immigrant finding on his arrival markets and ways of communication and a cheap and fertile soil that only waits the plough of the husbandman to give him an abundant return for his labor.

Hand-in-hand with agriculture, the mechanical arts will make equal progress, and the vivifying effects of the new ways of communication afforded by the railway will be felt even in the declining interest of cattle-breeding. Each station on the line will be as a port, with still higher advantages than those of a maritime emporium. The possibility of turning to account the extra increase of our flocks will soon be a solved problem, and possibly the railway will offer equal advantages in regard to horned cattle.

In order, however, to reap these and other no less obvious than important benefits, we must all make a great effort and shew that the country itself takes the first step in the matter. Nothing can be done by simply looking on at the progress, around us and awaiting every improvement from foreign capital: we shall remain in the background, if we do not positively retrograde, while our neighbors continue to go ahead.

The foreign capitalist will no doubt come in his own time, but he will wait till the local capitalists initiate the line. In all countries where railways have been started, the first move has always been made by local capitalists.

Buenos Ayres began with its own means the great Western line, and this induced foreigners afterwards to build the Northern, Southern, and Central Argentine railways.

Brazilian capitalists constructed the Mauá line and began that of Pedro II. and foreign companies soon undertook those of Bahia, Pernambuco and San Pablo.

The United States began with native capital the first branches of that grand system of iron network that extends from the Atlantic to the Rocky Mountains, and surpasses all the railways of Europe (England included).

To obtain these results we must follow such example, and it is not to be supposed that the flourishing Oriental Republic, where the average wealth of the inhabitants is perhaps greater than in any other country, will remain behind in this great career of progress and civilization.

There is a vulgar idea that railways are not a good speculation, and that while they confer enormous benefits on the country at large, they give a poor return to the shareholders. This is a great mistake. In almost every country where they have been built they have given a dividend above the average interest for money.

In England, where they were built by private individuals without any aid or intervention of the State, and had to contend with unparallelled difficulties from the opposition made by land-owners in Parliament, they give an average dividend of 4½ per cent. per annum, while the *Consols* hardly ever give 3½ per cent. And if the dividend be only 4½, instead of 8 or 9 per cent. it is not the fault of railways that they are not more lucrative. Quite the contrary. The first lines gave 10 per cent., and as this was the highest dividend allowed by law, it was necessary to reduce the tariff of fares to an absurdly low figure. The enormous gains of the first companies caused a railway-fever, and now there is hardly a village in the length and breadth of England that is not intersected by one or more lines; so much so that the railways in England amount in miles to all the railways of the continent of Europe. It is not, then, strange that, with such competition, the English railways give a dividend only 30 per cent. above the Consols.

In France, where railway-concessions have been more restricted, the medium dividend has been 7 to 8 per cent. per annum, while the bank-interest by last account ruled so low as 3½ per cent.: a difference of 130 per cent. in favor of railways!

The Montevidean board of Directors, in view of these motives and statistical returns, confidently invite all classes of the inhabitants to concur according to their means in aid of this great enterprise, the first of the kind attempted in the country, and which, without proving unprofitable to the share-holders, will give a splendid impulse to the moral and material interests of the community.

We invite the working-man who wishes to invest profitably his savings, and families who live on the interest of their little capital, to place their money in this the safest of all Banks.

We invite the capitalist and the estanciero to devote to it a portion of their wealth, which will at the same time gain a reasonable interest and contribute in a wonderful manner to increase the value of their lands and properties, besides multiplying in proportion the means of a lucrative investment for capital.

NOTE.—Subscribers enrolled at the Company's Offices, 101 Calle Misiones.

SANTA FE WOOLS.

WOOL BUYERS WANTED IN ROSARIO.

As the wool season has now set in, and some large purchases and contracts have already been realised in Buenos Ayres, I am induced to offer a few remarks relative to Santa Fe wools.

It would seem the wool-buyers of B. Ayres are of opinion that very few, if any, good lots of wool are raised in this province. Such is a great mistake: it is certain that about 500,000 fine mestiza sheep have been brought here from B. Ayres within the last three years, which will probably yield 100,000 arrobes of fine wool this year, and which will be brought to Rosario to be sold, or shipped to B. Ayres or Montevideo for sale there.

Why not send some of your American or German buyers to Rosario to purchase this wool—an article quite as fine, and much cleaner and sounder in staple than your B. Ayres wool. Besides, there will be a great saving in barracas expenses, which are merely nominal here; neither is there any lighterage to pay, which forms such a heavy item in your port; and to this add that the largest vessel can load here in four or five days, while it requires so many weeks there.